



**Whistleblowing:
Why you need to
act now and how
we can help**

TaylorWessing

European legal requirements place an obligation on businesses to establish a channel for reporting and to protect whistleblowers from reprisals.



Under the EU Whistleblowing Directive, companies operating in any EU country must set up an internal whistleblowing system to give the whistleblower confidentiality and provide access to an independent investigation.

For businesses with 250 or more employees, each EU country has until 17 December 2021 to carry out the EU requirements in national law. Businesses with 50 or more members of staff will have a further two years to comply. The clock is ticking and some countries have already finalised their laws. Where they have not, EU law might apply directly.

Why is whistleblowing relevant now?

We offer an exclusive and attractively priced whistleblowing service that will help you implement this change and protect your business when issues arise. It will enable you to respond appropriately to any legal concerns raised by the whistleblowing complaint and to resolve any underlying compliance problems. Where necessary, access to legal advice can be provided in more complex cases.



**Our European
whistleblowing
service comprises
three parts to help
you prepare,
to protect your
business, and to
resolve any issues.**

Prepare

Our European legal team is able to help your business to get ready for the required changes guiding you through the changes to be made and the best approach to make them.

Protect

The best way to demonstrate compliance with the Directive is to offer employees a reporting channel for any whistleblowing complaints and to use a helpline that guarantees their anonymity.

We have teamed up with some of the world's leading providers of digital whistleblowing solutions to create a **whistleblowing helpline service** that combines both technical and legal excellence competencies to deliver a full helpline service.

Resolve

Once a whistleblowing complaint has been made you need to take steps to investigate and resolve it as quickly as possible.

There may also be wider compliance issues arising from the complaint that need reviewing to protect your business from reputational and legal risk.

We will work with you to resolve both these points in the best way.

How we can help

Step 1 – Prepare

Our specialist international group offers an integrated whistleblowing solution.

The first part of our service helps you prepare for the change in legislation. We will work with your business to ensure that you have properly implemented the legislation in the European jurisdiction(s) where the work is done. This is likely to involve drafting appropriate policies and procedures and providing guidance on how to implement these. As part of this process we can advise on how best to finalise an agreement with any relevant local works council.

We also offer advice on correctly handling the data protection issues that arise when you process data relating to whistleblowing complaints.

Your managers need to understand the impact of the changes when managing their teams, so we can train your managers to ensure that they understand how to respond to any whistleblowing issues.

We will work in partnership with your business to ensure that you are legally compliant and ready for the new changes.



Step 2 – Protect

The second part of our service is to protect your business by running a whistleblowing helpline which enables whistleblowers to raise an anonymous complaint in confidence, and which protects your business from complaints that you are not treating whistleblowing appropriately.

The helpline can be tailored to your needs, and implementing the helpline allows you to demonstrate compliance with the Directive.

Key features of the helpline are:

- Complaints can be made anonymously allowing you to investigate and manage the issue whilst preserving the anonymity of the whistleblower.
- None of the whistleblowing documents need ever be stored on your server.
- The helpline is technically delivered by a leading provider of whistleblowing solutions.

- The helpline can be accessed 24/7 by internal, external and temporary employees.
- Whistleblowing complaints can be accessed by either a team of your staff or by Taylor Wessing as an independent law firm bound by professional confidentiality obligations.

To give your business complete peace of mind, and to reinforce the independence of the helpline to your employees, it can be managed by Taylor Wessing. If you choose this option our team will monitor the helpline for complaints. When received we will notify you using a system personalised to your business. We will undertake a basic risk analysis to ensure that complaints are properly categorised to enable them to be dealt with by your business in the right way.

This is our Level one Protect service and we charge a fixed monthly fee based of the size of your business.

Step 3 – Resolve

We will work with you to investigate and resolve a whistleblowing complaint as quickly as possible by supporting on the legal issues and ensuring a fair process is undertaken in the context of the complaint.

We offer two levels of Resolve service:

Level 1 Resolve service

Under the Level 1 Resolve service we provide the following support:

- 1.** A detailed analysis of the key issues relating to the whistleblowing complaint.
- 2.** Strategic advice on next steps.
- 3.** Support on the legal implications and next steps arising from the complaint to enable you to resolve the issue in a legally compliant way.

Level 2 Resolve service

Under the Level 2 Resolve service we will undertake the most complex and sensitive investigations.

Our team has worked on highly sensitive issues for many years and in all our advice we recognise and will manage key issues including the potential for reputational damage.

We have the internal expertise to manage investigations into whistleblowing complaints raised from issues as varied as failure to comply with an employment contract to failure to comply with a significant piece of legislation.

Compliance

In most cases whistleblowing complaints are about issues that concern the way businesses are run and go to the heart of the organisation.

Our team of international lawyers who specialise in areas including fraud, corruption and bribery, tax offences, victimisation, sexual harassment and discrimination are able to support you with ensuring that your business responds appropriately to any concerns raised, and that legal risks of any further action are removed.

We have supported our clients on a wide array of complaints and investigations. Some of the most relevant recent experience is shown on pages 13 and 14.



How working with our team will benefit you

Compliance and confidentiality guaranteed

Having one of our lawyers as an external contact person guarantees the confidentiality of the investigation. So far as national law allows, it protects communications between client and lawyer and protects the alert handling process from potentially being inspected by the authorities. An external contact person also limits the number of persons potentially informed within the company.

Expertise and experience

The service is provided by lawyers experienced in handling whistleblowing disclosures and personal grievances, and various types of complex underlying issues (harassment, fraud, corruption, etc) in many international contexts.

Drawing on their experience and their grasp of your company's issues, our team will ensure a high-quality triage and, where needed, investigation and remedial measures. We can therefore advise and assist the company's internal contact person, or any contact person appointed.

Independence and impartiality

We ensure alerts are handled objectively based on factual elements alone, while taking into account the company's background with a broad understanding of the issues at stake. Our legal expertise allows us to consider human issues and motives, regulatory requirements, but also company law and social law.

Optimised timeframe

Monitoring alerts is very time consuming, and it is not always possible for the company to allocate dedicated resources to it. The external contact line saves time.



Next steps

Our pricing

Our pricing reflects the levels of service that we provide:

Prepare

We will agree a fee for the implementation task you would like us to help with and the jurisdiction in which the work is done.

Protect

- The legal service provided by Taylor Wessing will be charged as a Level 1 monthly fixed fee. We will agree this fee with you in advance depending on the size of your business.
- The hotline software service will incur a fixed fee determined by the number of employees in your business. Again this will be agreed with you.

Resolve

The Level 1 and Level 2 service will be quoted on a case-by-case basis so that it reflects your needs and the complexity of the issues at stake.

Want to find out more?

To find out more about our whistleblowing solution please contact your usual Taylor Wessing advisor or email our Whistleblowing and Compliance Task Force under:

TWhistleblowing@taylorwessing.com

Recent European whistleblowing experience

1. Major entertainment company. Advising on setting up and running an ad-hoc whistleblowing channel as part of an international investigation and group-wide #metoo scandal.
2. Global life sciences company. Investigating whistleblowing claims regarding bullying and harassment from members of the HR team against other professionals at this global business. Life science regulators are interested in all aspects of conduct, not only those related to trials and medical/ data ethics.
3. Financial services industry. Advising on and investigating allegations of unlawful discrimination on grounds of sex and age by legal professionals against senior leadership, including allegations of quota-driven reverse discrimination. The UK financial regulator is concerned to maintain all standards, not simply those related to honesty and financial practice.
4. International real estate business. Advising on the European roll-out of a whistleblowing service (mainly data protection, employment and compliance).
5. International software business. Providing extensive training covering business conduct, anti-bribery and corruption, anti-harassment, and whistleblowing.
6. Growing healthtech company. Following allegations by a disgruntled departing employee, investigating alleged tax and conduct issues of the founder. Advising board and investors of adequate measures to correct issues while retaining talent.

- 7.** Fintech company. Working on behalf of investors and non-executive directors, investigating allegations by HR and compliance professionals regarding the conduct of the CEO, including sexual harassment. Securing the departure of the CEO and the retention of affected employees with no litigation.
- 8.** International company. Advising on whistleblowing reports relating to data protection violations, conflict of interests, and IT security issues.
- 9.** International banking group. Advising on all stages leading to and successfully defending a claim for damages based on detrimental treatment in the English employment tribunals brought by a senior whistleblower alleging breaches of tax legislation. Given the importance of the case to the bank we worked with the board on the case strategy and throughout as the case progressed to final hearing. We also supported the client in managing the reputational management issues arising from this case which was widely reported in the English press.
- 10.** International engineering company. Acting on an internal investigation following a whistleblowing report regarding a possible conflict of interest and an alleged violation of Chinese bidding law.
- 11.** A national social insurance institution and a national health insurance fund. Advising on implementing a whistleblowing system.
- 12.** An Austrian energy supply and infrastructure company. Advising on enacting anti-corruption, compliance and corporate governance rules in Central and Eastern Europe, including whistleblowing systems.

Want to find out more?

To read more about some recent work we did for the Board of Directors for Transparency International click [here](#)

About us

Taylor Wessing is a global law firm that serves the world's most innovative people and businesses.

Deeply embedded within our sectors, we work closely together with our clients to crack complex problems, enabling ideas and aspirations to thrive.

Together we challenge expectation and create extraordinary results.

By shaping the conversation in our sectors, we enable our clients to unlock growth, protect innovation and accelerate ambition.



Technology, Media & Communications



Private Wealth



Real Estate, Infrastructure & Energy



Life Sciences & Healthcare

- Aerospace & Defence
- Business & Professional Services
- Consumer & Retail
- Hotels, Hospitality & Leisure
- Manufacturing & Industrials
- Automotive & Mobility
- Chemicals
- Financial Institutions & Insurance
- Logistics & Transport
- Public Services & Education

2000+ people
1100+ lawyers
300+ partners
29 offices
17 jurisdictions

Austria	Klagenfurt Vienna
Belgium	Brussels
China	Beijing Hong Kong Shanghai
Czech Republic	Brno Prague
France	Paris
Germany	Berlin Düsseldorf Frankfurt Hamburg Munich
Hungary	Budapest
Netherlands	Amsterdam Eindhoven
Poland	Warsaw
Republic of Ireland	Dublin
Slovakia	Bratislava
South Korea	Seoul*
UAE	Dubai
Ukraine	Kyiv
United Kingdom	Cambridge Liverpool London London TechFocus
USA	New York Silicon Valley

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